

Mayerson & Hartheimer, PLLC.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

BERNSOHN & FETNER LLC,

Debtor.

Chapter 11

Case No. 17-23707 (RDD)

**MONTHLY FEE STATEMENT OF
MAYERSON & HARTHEIMER, PLLC, AS COUNSEL FOR
THE DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD
FROM JUNE 1, 2018 THROUGH AND INCLUDING JUNE 30, 2018**

Pursuant to section 327, 330 and 331 of chapter 11 of title 11 of the United States Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York, *the Order Authorizing the Retention of Mayerson & Hartheimer, PLLC as Bankruptcy Counsel to Debtor Effective to the Petition Date*, dated January 18, 2018 [Docket No. 36], and *the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals*, dated January 17, 2018 [Docket No. 35], (the “Interim Compensation Order”), Mayerson & Hartheimer, PLLC (“M&H”), counsel for the above-captioned debtor and debtor in possession (the “Debtor”) hereby submits this *Monthly Fee Statement of Mayerson & Hartheimer, PLLC as Counsel to the Debtor and Debtor-in-*

Possession for the Period from June 1, 2018 Through and Including June 30, 2018 (this “Fee Statement”) seeking compensation for 80% of its legal fees and reimbursement of its expenses for such Fee Period.¹ Specifically, M&H seeks (i) interim allowance of \$9,180.00 for the reasonable and necessary legal services that M&H rendered to the Debtor during the Fee Period; (ii) compensation in the amount of \$7,344.00 which is 80% of the total amount of compensation sought for actual and necessary legal services rendered during the Fee Period (*i.e.* \$9,180.00), and (iii) the allowance and payment of \$43.25 for the actual and necessary expenses that M&H incurred in connection with such services during the Fee Period. M&H represents that Debtor has sufficient funds to pay this amount, and that M&H is holding no retainer to apply against the amounts due.

Itemization of Services Rendered and Disbursement Incurred

1. Attached hereto as **Exhibit A** is a schedule of M&H professionals, including the standard hourly rate for each attorney who rendered services to the Debtor in connection with this chapter 11 case during the Fee Period and the title, hourly rate, aggregate hours worked and the amount of fees earned by each professional.

2. Attached hereto as **Exhibit B** is a schedule for the Fee period setting forth the total amount of payment sought with respect to the expenses for which M&H is seeking payment in this Fee Statement. All of these disbursements comprise the requested sum for M&H’s out-of-pocket expenses, which total \$43.25.

3. Attached hereto as **Exhibit C** are the time records of M&H, which provide a

¹ The period from June 1, 2018, through and including June 30, 2018 is referred to herein as the “Fee Period”.

daily summary of time spent by each M&H professional during the Fee Period.

Notice

4. No trustee or examiner has been appointed in this case. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (a) the Debtor, 12 Van Houten Street, Upper Nyack, New York 10960, Attn. Steven Fetner; (b) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn. Brian Masumoto, Esq.; (c) Counsel to Randall Bernsohn, Tannenbaum Helpert Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, New York 10022, Attn. Richard W. Trotter, Esq.; and (d) to the extent not listed herein, those parties requesting to be a Notice Party for the Monthly Fee Statements. M&H submits that, in light of the nature of the relief requested, no other or further notice need be given. Pursuant to the Interim Compensation Order, said parties have fourteen (14) days to review this Fee Statement and apprise M&H of any objection.

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WHEREFORE, M&H, in connection with services rendered on behalf of the Debtor, respectfully requests (i) interim allowance of compensation for professional services rendered during the Fee Period, in the amount of \$9,180.00, and payment for expenses incurred in connection with such services, in the amount of \$43.25, (ii) payment in accordance with the procedures set forth in the Interim Compensations Order (*i.e.*, payment of 80% of the compensation sought in the amount of \$7,344.00) and payment of 100% of expenses incurred, in the amount of \$43.25.

New York, New York
Dated: June 20, 2018

MAYERSON & HARTHEIMER, PLLC,

By: /s/ David H. Hartheimer
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*Counsel for Debtor and Debtor in
Possession*

EXHIBIT A

**FEE STATEMENT OF MAYERSON &
HARTHEIMER, PLLC AS COUNSEL TO THE DEBTOR
AND DEBTOR IN POSSESSION (JUNE 1, 2018 – JUNE 30, 2018)**

The M&H attorneys and paraprofessionals who rendered services during the Fee Period are:

TIME KEEPER	POSITION WITH THE APPLICANT	YEAR FIRST ADMITTED	HOURLY BILLING RATE*	TOTAL BILLED HOURS	TOTAL COMPENSATION
David H. Hartheimer	Member	1990	\$600.00	16.60	\$7,560.00
Sandra E. Mayerson	Member	1976	\$600.00	3.60	\$1,620.00
TOTAL FOR TIME KEEPERS				20.20	\$9,180.00

* Time Keepers' non-working travel time is billed at 50% of normal Hourly Billing Rate.

EXHIBIT B

EXHIBIT C

Date	User	Description	Rate/ Unit Price	Billable Time/ Cost Price	Bill Amt/ Sell Price
Bernsohn & Fetner, LLC					
Chapter 11					
06/01/2018	David Hartheimer	Prepare certificate of service for bar notice package and file on ec.	\$600 00 hr	0.40	\$240.00
06/01/2018	David Hartheimer	Prepare non redacted time records for delivery to court for first interim fee application.	\$600 00 hr	0.50	\$300.00
06/01/2018	David Hartheimer	TC with S. Fetner on [REDACTED]	\$600 00 hr	0.20	\$120.00
06/11/2018	David Hartheimer	Review proofs of Claim filed by Architectural Flooring Recourses, Inc.	\$600 00 hr	0.10	\$60.00
06/11/2018	David Hartheimer	Review proof of claim filed by Precision stone.	\$600 00 hr	0.10	\$60.00
06/11/2018	Sandra Mayerson	Review and revise monthly operating report and email to L. Patt re information for same	\$600 00 hr	0.30	\$180.00
06/11/2018	Sandra Mayerson	Review and revise May Fee Statement	\$600 00 hr	0.20	\$120.00
06/11/2018	David Hartheimer	Draft fee statement. Prepare time record exhibit and expense exhibit as well as other exhibit. Review time records for privilege for redaction.	\$600 00 hr	1.90	\$1,140.00
06/12/2018	David Hartheimer	Travel from Home to white planes court. Travel from White plains court to office. (No Charge)	\$0 hr	1.50	\$0 00
06/12/2018	David Hartheimer	Prepare for interim fee application hearing. (no Charge)	\$0 hr	0.50	\$0.00
06/12/2018	David Hartheimer	Appear at first interim fee application hearing.	\$0 hr	1.00	\$0 00
06/12/2018	Sandra Mayerson	Non working travel time to and from hearing	\$300 00 hr	1.80	\$540.00
06/12/2018	Sandra Mayerson	Prepare for and participate in hearing on fee applications of Mayerson & Hartheimer and Vernon Consulting; work on order re same	\$600 00 hr	1.20	\$720.00
06/12/2018	David Hartheimer	Drafting form of order approving m&h and Vernon interim fee application including preparing schedule A and B.	\$600 00 hr	0.90	\$540.00
06/12/2018	David Hartheimer	Review and revise May 2018 Monthly Operating Report.	\$600 00 hr	0.20	\$120.00
06/13/2018	David Hartheimer	Travel to and from State Supreme Court for Kaplan Status conference.	\$300 00 hr	1.00	\$300.00
06/13/2018	David Hartheimer	Appear at Status conference for Kaplan matter. .	\$600 00 hr	0.50	\$300.00
06/13/2018	David Hartheimer	Email to A. Lipitz on the status conference.	\$600 00 hr	0.10	\$60.00
06/13/2018	David Hartheimer	Draft email to client [REDACTED]	\$600 00 hr	0.10	\$60.00
06/13/2018	David Hartheimer	Preparing form of order approving fee application with schedules.	\$600 00 hr	0.80	\$480.00
06/13/2018	Sandra Mayerson	Revise interim fee order for M&H and Vernon	\$600 00 hr	0.10	\$60.00
06/13/2018	David Hartheimer	Finalize Mayerson & Hartheimer Fee Statement.	\$600 00 hr	0.80	\$480.00
06/13/2018	David Hartheimer	Review and revise Vernon fee statement.	\$600 00 hr	0.20	\$120.00
06/14/2018	David Hartheimer	Attention to service of fee statements.	\$600 00 hr	0.10	\$60.00
06/19/2018	David Hartheimer	Review Proof of claim filed by De Lange	\$600 00 hr	0.10	\$60.00
06/19/2018	David Hartheimer	review entered order approving fees.	\$600 00 hr	0.10	\$60.00
06/19/2018	David Hartheimer	review proof of claim filed by federal insurance	\$600 00 hr	0.20	\$120.00
06/25/2018	David Hartheimer	Prepare for and appear at hearing to employ ordinary course professionals.	\$600 00 hr	1.20	\$720.00
06/25/2018	David Hartheimer	Travel to and from court for motion to employ ordinary course professionals.	\$300 00 hr	1.00	\$300.00
06/25/2018	David Hartheimer	Preparing proposed form of order granting motion for authority to retain ordinary course professions. Emailing same to court.	\$600 00 hr	0.80	\$480.00
06/26/2018	David Hartheimer	Prepare monthly operating report for filing. Filing operating report on ec. Emailing monthly operating report to US Trustee, mailing monthly operating report to chambers.	\$600 00 hr	0.30	\$180.00
06/26/2018	David Hartheimer	Review order granting debtor's motion for authority to employ ordinary course professionals. Email same to client.	\$600 00 hr	0.40	\$240.00
06/27/2018	David Hartheimer	Review claims register and send same to client.	\$600 00 hr	0.30	\$180.00
06/28/2018	David Hartheimer	Review claims register. Review proof of claim from firm of Wasserman. TC with S. Fetner on [REDACTED].	\$600 00 hr	0.40	\$240.00
06/29/2018	David Hartheimer	Review Proof of claims by BMW.	\$600 00 hr	0.20	\$120.00
06/29/2018	David Hartheimer	Review Dolphin proof of claim	\$600 00 hr	0.20	\$120.00
06/29/2018	David Hartheimer	TC with claims agent of BMW RE status of claim and other issues including potential resolution.	\$600 00 hr	0.40	\$240.00
06/29/2018	David Hartheimer	Email to S. Fetner re [REDACTED].	\$600 00 hr	0.10	\$60.00
Total Labor For Chapter 11				20.20	\$9,180.00
Total For Chapter 11					\$9,180.00
Total For Bernsohn & Fetner, LLC					\$9,180.00